

# Notice of Allowability

Application No.

09/772,800

Examiner

Ula C Ruddock

Applicant(s)

VOGT ET AL.

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/12/04.
2. ☒ The allowed claim(s) is/are 1-17, 19-24, 27-64, 72 and 78-80.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                       |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance              |
|   | 9. <input type="checkbox"/> Other _____.  |

### DETAILED ACTION

1. The Examiner has carefully considered Applicant's amendment and accompanying remarks filed July 12, 2004. All rejections have been overcome.

### *Terminal Disclaimer*

2. The terminal disclaimer filed on July 12, 2004, disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of Application number 10/040742, 10/044166, 10/044171, 10/044414, 10/045206 has been reviewed and is accepted. The terminal disclaimer has been recorded.

### EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jeffery Bacon on September 15, 2004.

The application has been amended as follows:

**\*\*Cancel claims 18, 25, 26, 65-71, and 73-77.**

**\*\*Amend claim 19 as follows:**

<sup>40</sup>~~19~~<sup>39</sup> (Currently Amended) The device according to Claim ~~[[18]] 78~~<sup>39</sup>, wherein said repellent finish comprises a copolymer of perfluoroalkyl acrylate.

**\*\*Add the following new claims:**

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78. (New) The device according to Claim 1, wherein the repellant finish of said coating includes a repellant material selected from the group consisting of : a fluorochemical; a silicon; a resin-based finish; a wax; a wax-metal emulsion; and an organometallic complex.

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79. (New) The device according to claim 1, wherein said repellant finish includes polymers of dimethylsiloxane.

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80. (New) The device according to Claim 1, wherein said repellent finish includes polymers of dimethylsiloxane.

**\*\*Change the status identifiers of the following claims:**

4. (Previously ~~[[amended]]~~ presented) The device according to Claim 3, wherein the nitrogen containing material is selected from the group consisting of: primary amine, secondary amine, tertiary amine, and quaternary amine.

6. (Previously ~~[[amended]]~~ presented) The device according to Claim 3, wherein the nitrogen containing material comprises a primary amine selected from the group consisting of: polyvinylamine and polyallylamine.

8. (Previously ~~[[amended]]~~ presented) The device according to Claim 7, wherein said cationic monomers include material selected from the group consisting of diallyldimethylammonium chloride and methacrylamidopropyltrimethyl ammonium chloride.

10. (Previously ~~[[amended]]~~ presented) The device according to Claim 9, wherein said cationic monomers include material selected from the group consisting of diallyldimethylammonium chloride and methacrylamidopropyltrimethyl ammonium chloride.

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- <sup>16</sup> 13. (Previously ~~[[amended]]~~ presented) The device according to Claim 2, wherein the cationic material comprises a metal salt material.
- <sup>19</sup> 16. (Previously ~~[[amended]]~~ presented) The device according to Claim ~~13~~<sup>16</sup>, wherein the metal salt material includes an anion of a weak acid.
- <sup>15</sup> 24. (Previously ~~[[amended]]~~ presented) The device according to Claim ~~23~~<sup>14</sup>, wherein said additional comonomers include esters of acrylic or methacrylic acid containing material selected from the group consisting of: alkyl groups, alkylamide groups, and polyether groups.
- <sup>21</sup> 27. (Previously ~~[[amended]]~~ presented) The device according to Claim 1, further including an image disposed on the first surface of said textile having the coating thereon.
- <sup>46</sup> 48. (Previously ~~[[amended]]~~ presented) The device according to Claim 45, wherein said fluorochemical comprises a fluorocarbon dispersion.
- <sup>65</sup> 72. (Previously ~~[[amended]]~~ presented) A device comprising a textile coated with a cationic material and a repellant finish, wherein said repellant finish comprises a repellant selected from the group consisting of: a fluorochemical, a wax, a wax-metal emulsion, and an organometallic complex, wherein said textile further comprises an image, the image having a color intensity of greater than 68.4 for the color black.

**\*\*Write out the text of the following withdrawn claims.**

65. (Withdrawn) A method comprising the steps of:  
applying a coating to at least a first side of a textile, said coating having  
cationic and repellant properties; applying an image to the first side of the textile with the coating  
thereon.

66. (Withdrawn) The method according to Claim 65, wherein said step of applying a coating includes applying the coating to the textile in an aqueous form.

67. (Withdrawn) The method according to Claim 66, wherein said step of applying the coating further includes dipping the textile into the aqueous form of the coating.

68. (Withdrawn) The method according to Claim 66, further including the step of squeezing the textile between rollers after the step of applying the coating and prior to the step of applying the image.

69. (Withdrawn) The method according to Claim 66, further including the step of drying the textile after the step of applying the coating and prior to the step of applying the image.

70. (Withdrawn) The method according to Claim 65, wherein said step of applying the image includes applying the image with digital printing.

71. (Withdrawn) The method according to Claim 65, wherein said step of applying the image includes applying the image with an ink jet printer.

73. (Withdrawn) A device comprising a textile with an image thereon, the image having a color intensity of greater than 60.7 for the color red.

74. (Withdrawn) A device comprising a textile with an image thereon, the image having a color intensity of greater than 56.7 for the color yellow.

75. (Withdrawn) A device comprising a textile with an image thereon, the image having a color intensity of greater than 56.3 for the color blue.

76. (Withdrawn) A device comprising a woven textile with an image thereon, the image

having an acuity ratio of about 1 in the warp direction of said textile.

77. (Withdrawn) A device comprising a woven textile with an image thereon, the image having an acuity ratio of between about 1 and about 1.3 in the fill direction of said textile.

### ***Reasons for Allowance***

4. Claims 1-17, 19-24, 27-64, 72, and 78-80 are allowed.
5. The following is an examiner's statement of reasons for allowance: all rejections have been overcome by Applicant's Rule 1.132 declaration filed November 13, 2003 and by the presently filed terminal disclaimers.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ula C Ruddock whose telephone number is 571-272-1481. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel H. Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

UCR *Uck*

*Ula Ruddock*  
**ULARUDDOCK**  
**PRIMARY EXAMINER**